

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

**COMCAST OF ILLINOIS X, LLC, f/k/a
AT&T BROADBAND,**

Plaintiff,

v.

**TKA ELECTRONICS, INC., THOMAS
ABBOUD, individually, CATHY
VIGNERI, individually, KIM ABBODD,
individually, RAYMOND VIGNERI,
individually, and TERRY ABBODD,
individually,**

Defendants.

Case No. 8:02CV429

ORDER

This matter is before the court on plaintiff's Motion for Turnover of Frozen Funds, Filing No. 199. A nonparty, CSC Holdings, Inc. ("CSC") has submitted and filed a response to plaintiff's motion, asserting that it obtained a judgment against TKA in another case before judgment was entered herein. The record shows that the court has addressed and resolved CSC's contentions in *CSC Holdings, Inc. v. TKA Electronics and Thomas Abboud*, No. 02-CV-199, Filing Nos. 31, 37, 39, 40 and 41. A judgment was entered in favor of CSC in that case on September 24, 2004. CSC was free to execute on its judgment at that time. The court has determined that disgorgement of TKA's and Abboud's illegally acquired assets is appropriate in this case, and these assets were frozen in order to preserve Comcast's right to the imposition of a constructive trust. Accordingly,

IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Turnover of Frozen Funds is granted.

2. The Clerk of court is directed to pay the sum of \$9,484.12 or the current total balance, along with accrued interest, from the Court Registry to Comcast's counsel, Coman & Anderson, P.C., in the form of a certified, cashier's or bank check, or money order made payable to "Coman & Anderson, P.C. IOLTA Account" (Client Trust Account), and mailed to Coman & Anderson, P.C., Attn: Jeffrey R. Platt, 2525 Cabot Drive, Suite 300, Lisle, IL 60532.

3. Total Merchant Services shall immediately release funds in the amount of \$8,897.28, or the current balance and any accrued interest, from the account of Thomas Abboud d/b/a TKA Electronics, Inc., and shall pay that amount to plaintiff Comcast of Illinois X, LLC, by electronic transfer to Coman & Anderson, P.C. IOLTA Account (Client Trust Account). Plaintiff's counsel shall provide the specific wire transfer instructions to Total Merchant Services.

4. First National Bank of Omaha shall immediately release funds in the amount of \$1,004.40, or the current balance and any accrued interest, from the account of Thomas and Kim Abboud, Account No. 410212394, and shall pay the funds to Comcast's counsel, Coman & Anderson, P.C., in the form of a certified, cashier's or bank check, or money order made payable to "Coman & Anderson, P.C. IOLTA Account" (Client Trust Account), and mailed to Coman & Anderson, P.C., Attn: Jeffrey R. Platt, 2525 Cabot Drive, Suite 300, Lisle, IL 60532;

5. First National Bank of Omaha shall immediately release frozen funds in the amount of \$20,566.02 or the current total balance with any accrued interest, from the account of TKA Electronics, Inc., Account No. 22640037, and shall pay the funds to Comcast's counsel, Coman & Anderson, P.C., in the form of a certified, cashier's or

bank check, or money order made payable to "Coman & Anderson, P.C. IOLTA Account" (Client Trust Account), and mailed to Coman & Anderson, P.C., Attn: Jeffrey R. Platt, 2525 Cabot Drive, Suite 300, Lisle, IL 60532.

DATED this 19th day of December, 2005.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Court Judge